

U.S. Environmental Protection Agency Region 6
Federal On-Scene Coordinator Directive

Exigent circumstances surrounding the on-going emergency response resulting from the March 17, 2019 incident at Intercontinental Terminals Company LLC's (ITC) Deer Park, Texas facility exist. These include but are not limited to the following:

- 1) The on-going response and significant rainfall in the area has resulted in an ever-growing volume of wastewater that may soon exceed current storage capacity at ITC's facility.
- 2) Additional rains are predicted in the coming days and weeks.
- 3) ITC's Wastewater Treatment Storage Tanks currently contain post incident contaminated wastewater, which is preventing the authorized treatment and discharge of non-incident wastewater;
- 4) If the current storage volumes are exceeded, Response Operations may be delayed or halted, and additional rain events may result in the discharge into Tucker Bayou and Buffalo Bayou of untreated wastewater contaminated with petroleum mixed with hazardous substances, including but not limited to xylenes.

Pursuant to authority authorized under the Clean Water Act (CWA), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), The National Oil and Hazardous Substance Pollution Contingency Plan (NCP), and the March 23, 2019 Clean Water Act Section 311(c) and (e) Order, the following directive is issued to prevent the further release of contaminated wastewater:

Respondent is authorized to and shall perform the following actions, under the following conditions:

- 1) Authorization to discharge the effluent from the treatment in the on-site wastewater treatment system, of the current contents of Tank 80-34, through outfall 002. Outfall 002 is the outfall authorized under the facility's wastewater permit for the discharge of process wastewater;
- 2) the bench scale treatability study provided to TCEQ and EPA on April 7, 2019 is representative of the contents of the wastewater treatment storage tank 80-34 which is the subject of ITC's request;
- 3) the effluent discharged during this one-time authorization must be sampled in accordance with the requirements set forth in TPDES permit No. 0001984000, in addition to the limitations in the attached table entitled: Effluent Limitations and Monitoring Requirements;
- 4) ITC will need to receive approval from TCEQ after reviewing sampling data of the treated wastewater from tank 80-34 prior to routing any additional waste streams to the wastewater treatment plant including non-incident wastewater; and,

- 5) ITC will diligently pursue additional options to manage the wastewater that has accumulated as a result of the fire suppression efforts in response to the incident that began at the facility on March 17, 2019.

Adam Adams,
Federal On-Scene Coordinator
U.S. Environmental Protection Agency Region 6

Date: _____